United Nations CRC/C/PRK/CO/5

# Convention on the Rights of the Child

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**Committee on the Rights of the Child**

## Concluding observations on the fifth periodic report of the Democratic People's Republic of Korea*

### I. Introduction

1. The Committee considered the fifth periodic report of the Democratic People's Republic of Korea (CRC/C/PRK/5) at its 2236th and 2237th meetings (see CRC/C/SR.2236 and 2237), held on 20 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/PRK/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in several areas, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 10 November 2016, and with regard to universal education and decreasing child and maternal mortality.

### III. Factors and difficulties affecting the implementation of the Convention

4. **The Committee notes that the effects of the economic sanctions mentioned by the delegation of the State party are reflected in the economic and social situation in the country and are having repercussions on children's enjoyment of their rights.**

### IV. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: data collection (para. 10), torture

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and other cruel or degrading treatment or punishment (para. 26), children deprived of a family environment (para. 33), nutrition (para. 42), education and its aims (paras. 46 and 48) and child labour (para. 55).

## A. General measures of implementation (arts. 4, 42 and 44 (6))

### Legislation

6. **The Committee welcomes the adoption in 2010 of the Act on the Protection of the Rights of the Child and recommends that the State party make the text of the Act and information regarding its implementation publicly available, and seek technical cooperation from, among others, the United Nations Children's Fund (UNICEF) to assist with its implementation and share international best practices and lessons learned.**

### Comprehensive policy and strategy

7. **The Committee welcomes the adoption of the National Plan of Action for the Well-Being of Children (2011-2020) and recommends that the State party:**

(a) **Include protection from violence, exploitation and poverty in the plan;**

(b) **Define clearly the government entity responsible for the coordination of its implementation;**

(c) **Make information regarding the progress made on its implementation public and regularly available;**

(d) **Ensure that sufficient human, technical and financial resources are provided for the rights of children;**

(e) **Strengthen the practice of multi-agency coordination with the United Nations and other partners, following the model used for the preparation of the National Disaster Response Plan.**

### Allocation of resources

8. **The Committee notes the information provided by the State party on resources allocated to public health and education and, with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, recommends that the State party:**

(a) **Strengthen economic mechanisms, programmes and policies that can protect the budget allocations to children's rights and needs over time, including in situations of increased economic hardship, and regularly review and further specify how the five-year economic strategy can be used towards this end;**

(b) **Substantially increase the allocations in the health, education and social sectors to adequate levels, ensuring equitable distribution among urban and rural areas;**

(c) **Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic scarcity, natural disasters or other emergencies.**

### Data collection

9. The Committee notes the State party's recent efforts on data collection. However, it remains concerned about the overall absence of published information and the limited availability of official data, which prevents the systematic and comprehensive monitoring and evaluation of progress achieved and assessment of the impact of policies adopted with regard to children. The Committee is seriously concerned about the lack of availability of data disaggregated by age, gender and location on child poverty, violence, abuse and

neglect, stateless children, children with disabilities, adolescents, children deprived of a family environment, juvenile justice, children in street situations, education, health and the impact of climate change and disasters on children.

10. **With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee urges the State party to:**

(a) **Strengthen its efforts to improve its data-collection system. The data should cover all areas of the Convention, include all children under 18 years of age, and be disaggregated as described above to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;**

(b) **Ensure that the data and indicators are available and shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation*;**

(d) **Strengthen its technical cooperation with, among others, UNICEF, for the collection and analysis of information.**

**Independent monitoring**

11. **The Committee notes the information provided by the State party on the existence of complaints departments, complaints boxes and the required confidentiality from complaints officers. With reference to its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Take measures to expeditiously establish an independent mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner;**

(b) **Ensure the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(c) **Seek technical cooperation from, among others, OHCHR, UNICEF and the United Nations Development Programme (UNDP).**

**Dissemination, awareness-raising and training**

12. **The Committee recommends that the State party strengthen the measures taken to develop and implement awareness-raising programmes and dissemination activities to ensure that the provisions of the Convention are widely known by the general public, particularly parents, caregivers, teachers, youth workers and children themselves. It also recommends that the State party carry out systematic training for all professional groups working for and with children on their responsibilities under the Convention.**

**Cooperation with civil society**

13. **The Committee recalls its previous concluding observations (CRC/C/PRK/CO/4, paras. 13 and 14), and encourages the State party to create an enabling environment for the development of an independent civil society and to systematically involve organizations working on children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children's rights.**

## B. Definition of the child (art. 1)

14. **The Committee notes that the 2014 Act on the Protection of the Rights of the Child defines a child as a person under 16 and that a child will be defined as a person up to the age of 18 when the new 12-year compulsory education system introduced in 2014 is fully implemented in 2026. The Committee urges the State party to promptly revise the Act on the Protection of the Rights of the Child to ensure the immediate protection of all children below the age of 18 years, as defined in article 1 of the Convention.**

## C. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

15. **The Committee recalls it previous concluding observations (CRC/C/PRK/CO/4, para. 20) and recommends that the State party strengthen its efforts to monitor the implementation of the legal provisions against discrimination, in particular article 65 of the Constitution and article 3 of the Act on the Protection of the Rights of the Child, in compliance with article 2 of the Convention. The Committee also recommends that the State party:**

(a) **Take prompt measures to end discrimination against children based on the social status or political views of their parents;**

(b) **Make information regularly available on the implementation of anti-discrimination laws, particularly regarding girls, children in rural and remote areas, children of non-nationals and children with disabilities.**

### Best interests of the child

16. **With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, particularly to prevent the unnecessary separation of children from their parents and their placement in residential care institutions, as well as in all policies, programmes and projects that are relevant to or have an impact on children;**

(b) **Develop procedures and criteria to guide all relevant persons in authority in determining the best interests of the child in every area and in giving them due weight as a primary consideration;**

(c) **Establish compulsory processes for ex-ante and ex-post impact assessments on children's rights of all government policies and practices, including in the area of security.**

### Right to life, survival and development

17. **The Committee recommends that the State party strengthen its efforts to address the root causes of infant and child mortality, including social and economic deprivation and inequality, child malnutrition leading to stunting and wasting, and instances of child labour involving strenuous physical and mental efforts, which affect the healthy development of children.**

### Respect for the views of the child

18. **The Committee notes the State party's efforts to involve children in matters related to their education and in celebration of the Convention. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party conduct research to identify the issues that are most important to children and the mechanisms available to them to participate in and**

**influence all matters concerning children in individual decisions at the local and national levels and, based on those findings, develop guidance to ensure that children's views are effectively taken into account.**

## D. Civil rights and freedoms (arts. 7, 8 and 13-17)

### Birth registration and nationality

19. **The Committee notes that children in the State party are guaranteed civil registration and access to nationality. The Committee recommends that the State party review its bilateral agreements to ensure that children born to mothers who are citizens of the Democratic People's Republic of Korea residing outside the territory of the State party have access to birth registration and nationality without the children or their mothers being forcibly returned to the State party's territory.**

### Freedom of expression

20. **The Committee recommends that the State party promote children's freedom of expression and diversity of views, and guarantee the freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, or through any other media, including the Internet.**

### Freedom of thought, conscience and religion

21. **The Committee reiterates its previous concluding observations (CRC/C/PRK/CO/4, para. 30) and recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of persecution on the grounds of religion or belief and by promoting religious tolerance and dialogue in society. The Committee also recommends that the State party ensure that the application of limitations to the right to freedom of religion is proportional and not arbitrary.**

### Freedom of association and peaceful assembly

22. **The Committee recommends that the State party take further measures to promote children's rights to freedom of association and peaceful assembly in accordance with their interests and in line with article 15 of the Convention.**

### Right to privacy

23. **The Committee notes the measures taken by the State party to protect children's right to privacy in matters related to justice and health. It recommends that the State party take the measures necessary to implement the relevant laws in practice and to take measures appropriate to address and redress any violations.**

### Access to appropriate information

24. **The Committee urges the State party to ensure that children have access to information and material from a diversity of national and international sources, especially those aimed at the promotion of the rights of the child and the child's social, spiritual and moral well-being and physical and mental health, including promoting access to digital forms of media, in accordance with article 17 of the Convention. The Committee also recommends that the State party review its legislation, in particular article 185 of the Criminal Code, to decriminalize children's access to what is considered "hostile broadcasting and collection, keeping and distribution of enemy propaganda".**

## E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

### Torture and other cruel or degrading treatment or punishment

25. The Committee notes the State party's current legal provisions regarding torture in the Code of Criminal Procedure and in the Act on the Protection of the Rights of the Child. However, it remains concerned that these provisions do not adequately guarantee the right to freedom from torture and other cruel or degrading treatment or punishment, in law and in practice, particularly for children who are forced to return to the State party, children living in street situations, and children in detention facilities, including political prison camps.

26. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and target 16.2 of the Sustainable Development Goals, the Committee recalls its previous concluding observations (CRC/C/PRK/CO/4, para. 32) and urges the State party to:**

(a) **Unequivocally prohibit, in law and in practice, the torture and other cruel or degrading treatment or punishment of children, including children who are forced to return to the State party, and establish appropriate sanctions against perpetrators;**

(b) **Improve reporting mechanisms and promptly investigate and prosecute all cases of torture and ill-treatment of children;**

(c) **Ensure that alleged perpetrators are suspended while they are under investigation, that they are punished if convicted, and that court proceedings and sentences are publicized;**

(d) **Train law enforcement personnel on child rights issues;**

(e) **Take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.**

### Corporal punishment

27. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Promptly review its legislation to unequivocally prohibit all forms of corporal punishment in all settings, including the home, child-related institutions and all types of penal institutions, including political prison camps;**

(b) **Ensure that the ban on corporal punishment in all educational facilities is strictly implemented and monitored;**

(c) **Ensure that corporal punishment is not an element of the "social education" measures applicable to children aged 15-17 and that children under 18 are not subjected to adult criminal sanctions under the Criminal Code that may include or amount to corporal punishment;**

(d) **Strengthen the measures to promote positive, non-violent and participatory forms of child-rearing and discipline among parents and educational staff.**

### Violence, abuse and neglect

28. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Amend its legislation in order to criminalize the sexual abuse of all children, including boys, by any person;**

(b) **Take prompt measures to assess the situation of children in residential facilities in border regions, ensuring full respect for the rights of the child, investigate**

**any acts of violence against these children, and prosecute and punish any perpetrators of such acts, including sexual abuse;**

(c) **Conduct a comprehensive study on violence, abuse and neglect of children to assess the extent, causes and nature of such violence, paying attention to the gender dimension of violence, and cases of sexual abuse of girls in the context of transactional sex and prostitution;**

(d) **Formulate a comprehensive strategy to prevent and combat all forms of violence against children, including by addressing its root causes;**

(e) **Explore new ways for children to participate in developing measures to prevent violence against them;**

(f) **Establish a national database on all cases of violence against children to enable monitoring, reporting and analysis;**

(g) **Strengthen training activities for relevant professionals to provide adequate support to child victims of violence, abuse and neglect;**

(h) **Seek cooperation with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations experts and bodies.**

**Helplines**

29. **The Committee recommends that the State party establish a three-digit toll-free 24-hour helpline available for all children at the national level.**

## F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

**Family environment**

30. **The Committee notes the measures taken by the State party to support families and recommends that the State party:**

(a) **Strengthen its efforts to promote the common responsibilities of parents and to involve fathers continuously in their children's education and development;**

(b) **Assist parents in their child-rearing in a supportive and constructive manner without undue pressure and provide support and counselling to them to solve family conflicts in a manner that respects their privacy;**

(c) **Review the legislation regarding divorce to ensure that custody decisions are based on the principle of the best interests of the child;**

(d) **Ensure that children are separated from their parents only as a last resort and when it is in the best interests of the child.**

31. **The Committee also recommends that the State party take measures to allow and promote regular communication and the development of a personal relationship between the child and his or her parents and family members who do not reside in its territory.**

**Children deprived of a family environment**

32. While noting the measures taken by the State party to improve the living conditions of children in institutional care, the Committee regrets that its previous concluding observations (CRC/C/PRK/CO/4, para. 37) remained largely unaddressed. The Committee remains concerned about:

(a) The significant number of children who continue to be placed in institutions, from birth to the age of 16 years, and the construction of new baby homes and orphanages, indicating an increasing trend of institutionalization, with no clear guidelines on the criteria for their placement;

(b) The lack of information on individual follow-up to regularly review children's institutionalization and avoid the lasting consequences of long-term institutionalization;

(c) The existence of separate schools for children living in institutions and the campus-like living conditions, which hinder reintegration in society;

(d) The limited and anecdotal information provided on other forms of alternative care;

(e) The policy of placing children with disabilities in residential institutional care.

33. **Drawing the State party's attention to the United Nations Guidelines for the Alternative Care of Children, and recalling its previous concluding observations (CRC/C/PRK/CO/4, para. 37), the Committee recommends that the State party:**

(a) **Undertake a study to identify why children are placed in public care, with a view to developing family-based alternatives, and support children in single-parent families;**

(b) **Establish criteria and safeguards, based on the needs, views and best interests of the child, for determining whether the child, particularly a child with disabilities, should be placed in public care. The fact that his or her parents divorce should not be considered a ground to place a child in an institution;**

(c) **Develop and implement procedures for the periodic review of the placement of children in institutions and foster care, and monitor the quality of care therein, including by providing accessible mechanisms for reporting and remedying ill-treatment of children;**

(d) **Review the policy of establishing campus-like institutions with a view to facilitating the regular interaction and reintegration of children in institutions into society;**

(e) **Seek technical cooperation in this respect from, among others, UNICEF, regarding experiences, best practices and lessons learned in deinstitutionalization.**

### Adoption

34. **The Committee recommends that the State party review its legislation on adoption to ensure that the best interests of the child are the paramount consideration, and remove the current criteria on the political views of the prospective adoptive parents. The Committee recommends that the State party consider acceding to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

### Children of detained parents

35. **The Committee urges the State party to ensure that children are not in any way punished, sanctioned or detained for their parents' crimes, and that children have regular contact with their detained parents if they so wish, including when parents are detained in political prison camps.**

## G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

### Children with disabilities

36. **The Committee welcomes the State party's ratification of the Convention on the Rights of Persons with Disabilities, its amendment in November 2013 of the Act on the Protection of Persons with Disabilities and the measures taken to promote the education and health, including through sports, of children with disabilities. With reference to its general comment No. 9 (2006) on the rights of children with disabilities,**

**and Sustainable Development Goals 4 and 11, the Committee recommends that the State party strengthen the measures taken and:**

**(a) Adopt a human rights-based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities;**

**(b) Take account of all children under the age of 18, including those under the age of 5, in the collection of disaggregated data on children with disabilities, and develop an efficient system for diagnosing disability, with a view to putting in place appropriate policies and programmes for children with disabilities;**

**(c) Set up comprehensive measures to develop inclusive education and ensure that inclusive education is progressively prioritized over the placement of children in specialized institutions and classes, including for children with hearing and visual impairments;**

**(d) Train and assign specialized teachers and professionals in inclusive classes providing individual support for children's learning requirements;**

**(e) Review the nine-year curriculum for children with disabilities to align it with the 12-year mandatory system;**

**(f) Provide support to parents and families of children with disabilities to enable them to adequately care for these children.**

### Health and health services

**37. The Committee notes the measures taken by the State party regarding children's health and, with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and targets 3.2 and 3.8 of the Sustainable Development Goals, recommends that the State party:**

**(a) Strengthen its efforts to reduce infant, child and maternal mortality rates, particularly in the provinces and rural areas;**

**(b) Ensure that free or affordable medicine is available to all children throughout the territory, paying particular attention to rural and remote areas;**

**(c) Ensure adequate and continuous investment in health-related infrastructure and the training of health personnel;**

**(d) Consider the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);**

**(e) Seek financial and technical assistance from UNICEF and the World Health Organization, among others, in this regard.**

### Mental health

**38. Recalling its previous concluding observations (CRC/C/PRK/CO/4, para. 50), the Committee recommends that the State party take measures to promote the availability of mental health services to children, taking into consideration their developmental needs.**

### Adolescent health

**39. While noting that the State party has included adolescent health issues in the 2011-2015 reproductive and maternal health strategies, the Committee regrets the lack of information about any new plans that have been adopted and about the implementation of its previous recommendations (CRC/C/PRK/CO/4, paras. 47-48). With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, and target 3.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

**(a) Conduct a comprehensive study to understand the nature and extent of adolescent health problems, with the full involvement of adolescent girls and boys;**

**(b) Adopt a comprehensive sexual and reproductive health policy for adolescents, which should include sexual and reproductive health as part of the mandatory school curriculum and target both girls and boys;**

**(c) Ensure that all adolescents throughout the country have access to reproductive health services that are youth-sensitive and confidential.**

### HIV/AIDS

40. **The Committee recommends that the State party make information available to adolescents on HIV/AIDS protection measures, and seek technical support from UNICEF, the Joint United Nations Programme on HIV/AIDS and the United Nations Population Fund.**

### Nutrition

41. While noting the adoption of the National Strategy and Action Plan to Control Child and Maternal Malnutrition (2014-2018), the Committee remains seriously concerned about:

(a) The very high prevalence of undernourishment in the State party, affecting over 40 per cent of the population, according to a 2015 public report of the United Nations Food and Agriculture Organization (FAO), which is a key underlying cause of child and maternal mortality;

(b) A 2012 nutrition survey showing that 28 per cent of children under 5 years of age in the State party were suffering from stunting and 4 per cent were suffering from wasting, which could be conservative estimates.

42. **Taking note of targets 2.1 and 2.2 of the Sustainable Development Goals, the Committee urges the State party to:**

**(a) Promptly conduct an independent review of the National Strategy and Action Plan to Control Child and Maternal Malnutrition with a view to identifying key actions needed to quickly and substantially decrease children's and mothers' undernourishment;**

**(b) Systematically collect data on food security and nutrition for children to identify the root causes of child food insecurity and malnutrition and regularly publish up-to-date information on child stunting and wasting;**

**(c) Systematically monitor and assess the effectiveness of the public food distribution system on child food security and nutrition, including the frequency, quality and nutritional value of the food supplied through the public system;**

**(d) Seek technical assistance from UNICEF and FAO.**

### Impact of climate change on the rights of the child

43. **The Committee welcomes the State party's cooperation with the United Nations country team on developing integrated responses to climate change issues. The Committee draws attention to target 13.b of the Sustainable Development Goals, and recommends that the State party:**

**(a) In cases of climate-related emergencies that disrupt access to food, such as floods and droughts, provide children with immediate access to treatment for malnutrition;**

**(b) Increase children's awareness of and preparedness for climate change and natural disasters by incorporating them into the school curriculum and teachers' training programmes;**

**(c) Continue to cooperate with, among others, UNICEF and the World Food Programme, and pay particular attention to child rights issues in disaster risk reduction, response management and preparedness initiatives.**

**Standard of living**

44. **The Committee welcomes the State party's 2016 intersectoral initiative to integrate water, sanitation and nutrition. Drawing attention to target 6.2 of the Sustainable Development Goals, the Committee recommends that the State party prioritize water, sanitation and nutrition interventions and participate in South-South learning exchanges on technology and use of gravity-fed water systems. The Committee also recommends that the State party promote and facilitate people's livelihood opportunities.**

## H. Education, leisure and cultural activities (arts. 28-31)

**Education, including vocational training and guidance**

45. The Committee notes the adoption of the Act on General Secondary Education, in 2011, the Ordinance on the Enforcement of Universal 12-year Compulsory Education, in 2012, and the Education Strategy (2015-2032), in 2014. The Committee, however, remains seriously concerned about consistent reports of:

(a) Children continuing to spend a considerable amount of the time allocated to education on performing different types of labour, including agriculture and construction projects that sometimes involve massive mobilization for periods of one month at a time, and cases of students spending their afternoons performing tasks for teachers, such as working in fields and transporting firewood;

(b) Discrimination against students based on their social status and their parents' political views, which defines the schools and type of education to which children have access and the treatment they receive from teachers;

(c) The burden faced by children being required to pay informal school fees either by contributing materials or money, which is especially difficult for children from economically deprived families who miss school when they are unable to comply with these demands;

(d) Children being victims of verbal and physical punishment and discrimination by teachers when they are unable to achieve an "economic assignment" or to participate in a mass mobilization;

(e) The number of children who do not attend school because of economic difficulties or because their parents are sick;

(f) The continuing limited resources allocated to maintaining and investing in school infrastructure and teaching and learning materials, particularly outside the capital.

46. **With reference to its general comment No. 1 (2001) on the aims of education, and taking note of Sustainable Development Goal 4, the Committee urges the State party to:**

(a) **Ensure that children are not required to perform labour tasks that interfere with their learning, their rights to rest and leisure and their physical and mental well-being;**

(b) **Take prompt measures to end discrimination against children based on their social status or their parents' political views in terms of access to schools, type of education and treatment by educational staff;**

(c) **Take prompt measures to effectively ban schools from requesting contributions in the form of fees, food and materials;**

(d) **Promptly strengthen monitoring systems in schools to ensure that teachers do not ill-treat or punish students, implement in practice the ban on corporal punishment, and investigate and discipline school staff who fail to respect the child's right to physical and mental integrity;**

**(e) Prevent children from dropping out of school due to economic difficulties;**

**(f) Promote gender equality between girls and boys at all levels of the education system, including the freedom for girls and boys to choose their courses based on their interests;**

**(g) Take the measures necessary to continuously invest in the quality and infrastructure of education, with particular emphasis on rural and remote areas;**

**(h) Take measures to promote child-friendly schools, based on the principles of creating healthy and protective environments for learning, inclusiveness and gender-sensitivity and establishing partnerships between schools and the community, to empower children and allow them to develop in a holistic manner;**

**(i) Make information on learning outcomes at all levels of education available regularly;**

**(j) Seek technical cooperation from, among others, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the implementation of these recommendations.**

### Aims of education

47. The Committee is concerned about the extensive politicization of teaching materials and the curriculum, with a strong focus on ideological indoctrination.

48. **With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party ensure that the school curriculum and teaching materials give priority to standard academic subjects and that education supports the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance and friendship among all peoples, in accordance with article 29 (1) (d) of the Convention. The Committee recommends that the State party emphasize methods of peaceful resolution of conflict in its curricula for peace education for children of all ages, and seek technical assistance from UNICEF and UNESCO in this regard.**

### Early childhood development

49. **Taking note of target 4.2 of the Sustainable Development Goals on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party ensure an adequate ratio of caregiver-to-child in nurseries and kindergartens to provide quality care and the critical psychosocial support and stimulation needed, and ensure access to appropriate food and nutrition and water and sanitation facilities.**

### Human rights education

50. **The Committee recommends that the State party develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education, and incorporate human rights and children's rights into the school curriculum at all levels.**

### Rest, leisure, recreation and cultural and artistic activities

51. **The Committee notes the measures taken by the State party to invest and promote sport among children and, with reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, recommends that the State party take measures to guarantee that children enjoy their right to rest and leisure and to engage in play and the recreational activities of their choice and that are appropriate to the age of the child. The Committee also recommends that the State party ensure the right of the child to obtain insights into their own and other peoples' cultures to broaden the range of cultural and artistic expressions available to children.**

## I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

### Returnee children

52. **The Committee urges the State party to provide all the necessary protection to returnee children and children of repatriated women who are citizens of the Democratic People's Republic of Korea, in particular their right to life. The Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### Children in armed conflicts

53. **While noting that the State party is still at the stage of armistice, the Committee regrets the lack of information on the implementation of its previous recommendations (CRC/C/PRK/CO/4, para. 59) and urges the State party to:**

(a) **Prioritize the protection and promotion of the rights of the child, with due consideration for the best interests of the child, in efforts to negotiate peace agreements;**

(b) **Take measures to prevent the early militarization of children, particularly boys, and to prevent the recruitment of children under 18 years of age.**

### Economic exploitation, including child labour

54. While noting that national legislation prohibits child labour and the State party's position that child labour has been abolished as children are required to attend only three weeks per year of "school practice", the Committee remains seriously concerned about information on children being requested to perform extensive labour tasks that interfere with their education, physical and mental development and well-being. The Committee is seriously concerned about:

(a) The fact that the State party's labour laws do not prohibit harmful or hazardous work for children under age 18;

(b) Children being requested to volunteer extensive periods of their day to work on farms and in mines, collect wood in the forests, weed in neighbourhoods and local towns, repair railroads, clean statues and participate in forestation initiatives and construction projects (referred to as "economic assignments"), which interferes with their rights to education, health, rest and leisure, and the practice of exempting children from these tasks in exchange for money;

(c) Children being requested to participate in mass agricultural mobilizations, with long working hours per day and occasionally for one month at a time, and their being away from their families for that period;

(d) The practice of accepting children aged 16 and 17 to *dolgyeoldae* (military-style construction youth brigades) for 10-year periods, which entail long working hours and heavy physical work, and curtail children's access to education.

55. **Recalling its previous concluding observations (CRC/C/PRK/CO/4, para. 61), and with reference to target 8.7 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Amend its labour and child-related legislation to explicitly prohibit the employment of children under 18 in harmful or hazardous work in the formal and informal sectors;**

(b) **Take prompt measures to ensure that children are not requested to perform "economic assignments" as part of their education and ensure that all children are treated equally in this regard, independently of their economic situation;**

(c) **Ensure that children are not forced to participate in mass agricultural mobilizations and put in place clear regulations on minimum age and limits on working hours for those who choose to participate;**

(d) **Ban the practice of assigning children under the age of 18 to *dolgyeokdae* and provide all children with equal opportunities to further their education;**

(e) **Consider joining the International Labour Organization (ILO) with a view to ratifying the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age Convention, 1973 (No. 138), and seek technical assistance from the International Programme on the Elimination of Child Labour of the ILO in this regard.**

### Children in street situations

56. **The Committee notes the information provided by the State party during the dialogue that there are no children in street situations (*kotjebi*) but remains concerned about children who migrate to cities due to poverty and neglect and are forcibly returned to their place of origin where they may face further abuse and forced institutionalization. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:**

(a) **Assess the number of children living and/or working on the streets, and conduct a study on the root causes of their situations;**

(b) **Ensure that support provided to children in street situations, particularly reintegration in the family or placement in alternative care, fully respects the child's best interests and gives due weight to their autonomous views in accordance with their age and maturity.**

### Sale, trafficking and abduction

57. **The Committee notes the measures taken by the State party to strengthen international cooperation to fight trafficking and abduction and, recalling its previous concluding observations (CRC/C/PRK/CO/4, para. 69), urges the State party to ensure that trafficked and abducted children are protected as victims and not criminalized, and are provided with adequate recovery and social reintegration services. The Committee recommends that the State party consider ratifying the Protocol to Prevent, Supress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

### Administration of juvenile justice

58. **The Committee notes the information provided by the State party regarding the use of social education as a correctional measure for children between the ages of 14 and 17, but regrets the insufficient information on what it involves in practice. With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into accordance with the Convention and, in particular, to:**

(a) **Establish a specialized juvenile justice system and procedures, designate specialized judges and prosecutors and ensure that the specialized judges receive appropriate education and training;**

(b) **Ensure free representation by qualified and independent lawyers for children in conflict with the law at an early stage of the procedure and throughout the legal proceedings, including during the execution of social education measures;**

(c) **When detention is unavoidable, ensure that it is for the shortest possible period of time, that it is reviewed on a regular basis with a view to its withdrawal, that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**

(d) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children, investigate all complaints and prosecute and punish law enforcement personnel found guilty of perpetrating violations.

Child victims and witnesses of crime

59. The Committee recommends that the State party ensure that all child victims and witnesses of crime, including child victims and witnesses of economic exploitation, abduction and trafficking, are provided with the protection required by the Convention, and that the State party fully take into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. The Committee also recommends that the State party ensure that the Act on the Protection of the Rights of the Child, and all other relevant laws, include measures for the physical and psychological recovery of child victims.

## J. Ratification of the Optional Protocols to the Convention

60. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocols to the Convention on the involvement of children in armed conflict and on a communications procedure.

## K. Ratification of international human rights instruments

61. The Committee recommends that the State party, to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The International Convention for the Protection of All Persons from Enforced Disappearance;

(c) The International Convention on the Elimination of All Forms of Racial Discrimination;

(d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

62. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, as its initial report is overdue as of 10 December 2016.

## L. Cooperation with regional bodies

63. The Committee recommends that the State party cooperate, among others, with the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children.

# IV. Implementation and reporting

## A. Follow-up and dissemination

64. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report,

**the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

## B. National mechanism for reporting and follow-up

65. **The Committee welcomes the creation in April 2015 of the National Committee for the Implementation of the International Human Rights Treaties. It recommends that the State party provide the National Committee with an adequate mandate for reporting and follow-up as a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.**

## C. Next report

66. **The Committee invites the State party to submit its combined sixth and seventh periodic reports by 20 October 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

67. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**